

### REMARKS/ARGUMENTS

Claims 15-42 are pending in this application. By this amendment, Applicant amends Claim 15, and adds new claims 29-42.

Applicant appreciates the Examiner's indication that Claims 16-27 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

The drawings were objected to for allegedly not showing every feature of the invention specified in the claims. Particularly, the Examiner alleged, "The transmit and receiving filter[s] are shown but the filters using the respective second harmonic and fundamental waves are not shown." In addition, in the Response to Arguments section on page 4 of the outstanding Office Action, the Examiner alleged, "It is the position of the Examiner that while a harmonic wave or more specifically a fundamental or second harmonic waves are clearly not a '*structural element*', it is a frequency response characteristic which is well-known in the art and where there clearly exists a multitude of showings not only for a fundamental frequency response (i.e.  $F_0$ ) but also other harmonic response such as a well-known second harmonic response. For the benefit of the Applicant, and as by example but not to be construed as prior art with respect to the current Application, the Examiner cites the following patents; US 6,982,612 - Fig. 5; and US 6,822,536 - Fig. 3; all by the same Assignee, where harmonic responses are clearly shown." Applicant respectfully traverses this objection.

As noted in the previous response filed on September 1, 2006, the specific types of waves that are used or generated in the branching filter recited in claims 15-28 cannot possibly be shown in the drawings because these waves are acoustic waves which are generated as a result of the structure of the branching filters. The second harmonic and fundamental waves are clearly not structural elements of the branching filter which could or should be shown in the drawings, but rather are merely functions of the branching filter which cannot be shown in the drawings.

In contrast to the Examiner's allegations, Fig. 5 of U.S. 6,982,612 and Fig. 3 of U.S. 6,822,536 show **specific frequencies** at which fundamental waves and second

harmonic waves are produced, and clearly do **NOT** show the fundamental waves and the secondary waves themselves. None of the figures of either of U.S. 6,982,612 or U.S. 6,822,536 shows any harmonic waves, and in fact, there is no practicable way to illustrate the fundamental and secondary waves themselves. Thus, as noted above, the fundamental waves and the secondary waves recited in claim 21 are not required to be shown in the drawings because fundamental waves and secondary waves are not structural features of the claimed invention.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claims 15 and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ruby et al. (U.S. 6,472,954). Applicant respectfully traverses the rejections of Claims 15 and 28.

Claim 15 has been amended to recite the feature of “the piezoelectric thin film resonators defining the transmitting filter and the piezoelectric thin film resonators defining the receiving filter are made of different materials from each other,” and new Claim 29 recites the feature of “the piezoelectric thin film resonators defining the transmitting filter and the piezoelectric thin film resonators defining the receiving filter use different waves from each other.” Support for these features is found, for example, in originally filed Claims 16, 17, and 21.

As acknowledged by the Examiner, at best, Ruby et al. teaches piezoelectric thin film resonators defining a transmitting filter and a receiving filter having a different structure, in that the electrodes 90 and 96 have different thicknesses. Ruby et al. fails to teach or suggest piezoelectric thin film resonators defining a transmission filter and piezoelectric thin film resonators defining a receiving filter which are made of different materials, or which use different waves. Thus, Ruby et al. certainly fails to teach or suggest the feature of “the piezoelectric thin film resonators defining the transmitting filter and the piezoelectric thin film resonators defining the receiving filter are made of different materials from each other” as recited in Applicant’s Claim 15, and the feature of “the piezoelectric thin film resonators defining the transmitting filter and the piezoelectric

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thin film resonators defining the receiving filter use different waves from each other” as recited in Applicant's Claim 29.

Accordingly, Applicant respectfully submits that Ruby et al. fails to teach or suggest the unique combination and arrangement of features recited in Applicants' Claims 15 and 29.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 15 under 35 U.S.C. § 102(e) as being anticipated by Ruby et al.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 15 and 29 are allowable. Claims 16-28 and 30-42 depend upon Claims 15 and 29, and are therefore allowable for at least the reasons that Claims 15 and 29 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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